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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Arling et al. ) Examiner: Not Assigned  
Serial No.: 09/718,931 )  
Filed: November 21, 2000 ) Art Unit: 2711  
Title: Media Return System ) Attorney Doc.:81230.57US1

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APR 29 2003

**PETITION TO MAKE SPECIAL**

Technology Center 2600

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Assistant Commissioner for Patents  
Washington, DC 20231

AUG 13 2003

DIRECTOR'S OFFICE  
TECHNOLOGY CENTER 2600

Dear Sir:

In accordance with 37 C.F.R. § 1.102, Applicants hereby petition to make the subject patent application "special" for the purpose of expediting the examination of such application.

This petition is accompanied by the fee set forth in 37 C.F.R. § 1.17(h). Should any deficiency exist, the Commissioner is authorized to charge our deposit account number 502,428.

In connection with this petition, the Applicants, through their attorney, respectfully submit that:

(a) the subject application is a new application, i.e., one which has not received any examination by an examiner;

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Certificate of Mailing: The undersigned hereby certifies that this document and its enclosures are being deposited with the United States Postal Service with sufficient postage for First Class Mail, postage prepaid in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on this 22<sup>nd</sup> day of April, 2003.

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By:

Name: Debbie Leszczynski

(b) all of the claims are directed to a single invention (in the event that the Office determines that all of the claims presented are not to a single invention, the Applicants will make an election without traverse as a prerequisite to the grant of special status);

(c) a pre-examination search of the claims in the subject application, which are generally directed to the same subject matter as set forth in its corresponding EP application (EP 1 209 904), has been performed by a foreign patent office, namely, the European Patent Office, and a copy of the search report is being submitted herewith;

(d) one copy of the references deemed most closely related to the subject matter encompassed by the claims of the subject application are being submitted herewith; and

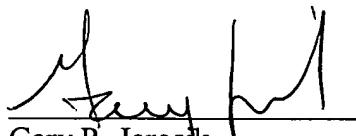
(e) a detailed discussion of the references is being submitted herewith.

Believing that all of the requirements of 37 C.F.R. § 1.102 have been met, the favorable consideration of this Petition To Make Special is respectfully requested.

Respectfully Submitted;

Date: April 22, 2003

By:



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**DETAILED DISCUSSION OF THE REFERENCES  
FILED IN CONNECTION WITH THE  
PETITION TO MAKE SPECIAL**

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U.S. 4,918,531

This published patent is directed to a commercial message timer of an appliance which, when enabled by a user, stores data indicative of a first tuned station and begins timing a predetermined time period. Upon expiration of the predetermined time period, the first tuned station is automatically reselected by the appliance, if it had been deselected by the user after the timer was enabled. To enable the timer, the user presses a timer key (206) of a remote control unit (200) for the purpose of transmitting a "timer" command to the appliance. It is upon receipt of the "timer command" from the remote control that the appliance stores the current channel being viewed and starts the timer.

In contrast, the claimed invention is directed to a remote control adapted to provide a return to channel feature for a media device not equipped for a return to channel feature - such as the appliance disclosed in the subject, published patent. Thus, the subject, published patent fails to provide for the claimed remote control having a timer for timing a predetermined interval or programming for storing a primary channel indicator in memory in response to a first predetermined user action, for starting the timer

in response to a second predetermined user action, and for transmitting to an appliance a signal corresponding to the primary channel indicator upon expiration of the predetermined interval. For at least these reasons, the claims of the subject application are believed to be allowable over this art.

US 2001/0013124

This published patent application is directed to a system that substitutes alternative video and/or audio signals to the television of a viewer during the airing of an advertisement. An advertising database is maintained where each entry includes the channel which is scheduled to carry the advertisement to be intercepted, the start time of the advertisement to be intercepted (a pre-established criteria), a second channel to which the television is to be tuned to, and, optionally, the duration of time for which the television should remain tuned to the second channel. Alternatively, the pre-established criteria to change channels may be based on certain changes detected in the tuned television signal. In either case, upon the occurrence of the pre-established criteria, the television builds instructions to change channels from the information located in the database.

In contrast, the claimed invention is directed to a remote control adapted to provide a return to channel feature for a media device not equipped for a return to channel feature - such as the appliance disclosed in the subject, published patent application. Thus, the subject, published patent application fails to provide for the claimed remote control having a timer for timing a predetermined interval or programming for storing a primary channel indicator in memory in response to a first

predetermined user action, for starting the timer in response to a second predetermined user action, and for transmitting to an appliance a signal corresponding to the primary channel indicator in response to expiration of the predetermined interval. For at least these reasons, the claims of the subject application are believed to be allowable over this art.

U.S. 5,883,680

This published patent is directed to a programmable remote control. Specifically, the remote control features a return key 102. The return key 102 allows a user to program a channel number to be associated therewith, so that he/she can easily return to that channel number, after having, for example, scanned through (or “surfed through”) a series of channel numbers using the channel up and channel down keys. For example, if the user is currently viewing channel 3, and wishes to momentarily scan through other channels, he/she simply temporarily programs the return key 102 with the current channel number, by, for example, pressing the add key and then the return key 102. The user then may proceed to scan through other channels, as desired. When the user wishes to return to the channel that he/she was viewing, e.g., channel 3, the user simply presses the return key 102, which causes the generation of electrical signals corresponding to coded infrared sequences that instruct the controlled device to tune to the channel number temporarily programmed into the memory location associated with the return key 102.

In contrast, the claimed invention is directed to a remote control adapted to provide an automatic return to channel feature for a media device not equipped for a return to channel feature. Thus, the manually operated system of the subject, published

patent fails to provide for the claimed remote control having a timer for timing a predetermined interval or programming for storing a primary channel indicator in memory in response to a first predetermined user action, for starting the timer in response to a second predetermined user action, and for transmitting to an appliance a signal corresponding to the primary channel indicator in response to expiration of the predetermined interval. For at least these reasons, the claims of the subject application are believed to be allowable over this art.